

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed January 28, 2008.

In the Office Action, the Examiner rejected claims 1-28 on the ground of nonstatutory obviousness-type double patenting and claims 1-28 under 35 U.S.C. § 103.

Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Double Patenting

The Examiner rejects claims 1-28 under the judicially created doctrine of obviousness-type double patenting over United States Patent No. 6,622,260 issued to Marisetty (assigned to Intel Corp.), in view of U.S. Patent No. 6,971,044 issued to Geng et al, and U.S. Publication No. 2004/0054780 to Romero. The Examiner asserts that claims 1-28 are not patentably distinct from the earlier patent claims, and as such are unpatentable for obvious-type double patenting.

The Examiner further rejects claims 1-28 under the judicially created doctrine of the obviousness-type double patenting over United States Patent No. 6,675,324 issued to Marisetty (assigned to Intel Corp.), in view of U.S. Patent No. 6,971,044 issued to Geng et al, and U.S. Publication No. 2004/0054780 to Romero. The Examiner asserts that claims 1-28 are not patentably distinct from the earlier patent claims, and as such are unpatentable for obvious-type double patenting.

Applicant has submitted terminal disclaimers to obviate these obviousness-type double patenting rejections.

Applicant respectfully requests that the Examiner withdraw these obviousness-type double patenting rejections of claims 1-28.

Rejection Under 35 U.S.C. § 103

Claims 1-5, 7-12, and 14 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious over U.S. Patent No. 6,622,260 issued to Marisetty (hereinafter Marisetty) in view of U.S. Patent No. 6,971,044 issued to Geng et al. (hereinafter Geng).

Applicant agrees with the Examiner that Marisetty does not disclose if the platform error is not resolved at the PAL, determining if there is a peer node with an available network interface card (NIC), and if there is a peer node with an available NIC, sending a media access control (MAC) address of the local node to the peer node so that the peer node can handle operations for the local node, and disabling the MAC address of the local node, and performing error recovery at a system abstraction layer (SAL); if the platform error is resolved by the SAL, enabling the local node with the MAC address of the local node, the local node to resume normal operation, as admitted by the Examiner (Office Action, page 4).

However, Applicant respectfully disagrees with the Examiner that Geng teaches these elements as generally set forth in the independent claims.

Geng merely discloses load balancing by configuring each virtual network interface on alternating control nodes so the virtual interfaces are evenly distributed between the two control nodes (Geng, col. 19, lines 55-58), not determining if there is a peer node with an available network interface card (NIC), as recited in the independent claims. If an adapter goes down, then not only do the virtual network interfaces have to fail over to the other control node, but the MAC address must fail over too (Geng, col. 19, lines 63-67). Given that there are only two control nodes and the MAC address merely fails over to the control node which did not go down, Geng does not teach, expressly or inherently, determining whether there is a peer node with an available NIC, but rather it defaults to the remaining control node.

In addition, Geng merely discloses that the MAC address must fail over so that external nodes can continue to send packets to the MAC address already in the ARP caches (Geng, col. 19, lines 63-67), not disabling the MAC address of the local node. Failover is the capability to switch over automatically to the other control node. Thus, the MAC address of the first control

node is failing over to the second control node, which is not the same as sending the MAC address to the peer node and disabling the MAC address of the local node, as generally recited in the independent claims. Geng fails to teach, expressly or inherently, disabling the MAC address of the local node.

Furthermore, Geng merely discloses that when a failed control node recovers, a single MAC address is manipulated and the MAC address does not have to be remapped on recovery (Geng, col. 20, lines 1-4), not enabling the local node with the MAC address of the local node, the local node to resume normal operation. Although the MAC address does not have to be remapped upon recovery, there is no teaching or suggestion of enabling the recovered control node with the MAC address. Moreover, as discussed above, since the MAC address of the failing control node was not disabled in Geng, when the failed control node recovers, the MAC address of the recovered control node cannot be enabled.

Therefore, Applicant believes that claims 1-5, 7-12, and 14 are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. §103(a) be withdrawn and that these claims be passed to issuance.

Claims 6 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Marisetty in view of Geng and further in view of U.S. Publication No. 2004/0054780 to Romero (hereinafter Romero).

Based on the dependency of claims 6 and 13 on independent claims 1 and 8 believed by Applicant to be in condition for allowance, no further discussion as to the grounds for traverse is warranted. Applicants reserve the right to present such arguments in an Appeal is warranted. Withdrawal of the §103(a) rejection as applied to claims 6 and 13 is respectfully requested.

Claims 15-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Marisetty in view of Geng and Romero.

The Examiner admits that Marisetty does not disclose *a network interface card (NIC) coupled to the processor to provide for network communications to a peer server blade; wherein responsive to a platform error at the server blade, error recovery is performed at a processor*

abstraction layer (PAL) and if the platform error is not resolved at the PAL, a media access control (MAC) address of the server blade is sent to the peer server blade so that the peer server blade can handle operations for the server blade, and the MAC address of the server blade is disabled, as recited in claims 15 and 22 (Office Action, page 9). However, the Examiner alleges that Geng and Romero teaches this element of the claims.

Applicant respectfully disagrees.

As argued above, Geng fails to teach, expressly or inherently, at least one of: (1) the MAC address being sent to the peer server blade; and (2) disabling the MAC address of the server blade, as recited in claims 15 and 22.

As discussed above, Marisetty in view of Geng does not disclose or render obvious the elements of independent claims 1, 8, 15, and 22, as set forth above. Accordingly, a combination of Marisetty in view of Geng with Romero in rejecting claims 15-28 is improper.

In particular, Applicant respectfully submits that independent claims 1, 8, 15, and 22 are clearly not rendered obvious by the prior art of record. Applicant respectfully requests that the independent claims 1, 8, 15, and 22, and the claims that depend therefrom, be allowed and passed to issuance.

The Examiner also states that claims 1-5, 7-12, and 14 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious over U.S. Patent No. 6,675,324 issued to Marisetty (hereinafter Marisetty) in view of U.S. Patent No. 6,971,044 issued to Geng et al. (hereinafter Geng).

As discussed in detail above, Applicant respectfully submits that Garisetty does not teach or suggest the limitations of independent claims 1, 8, 15, and 22 as set forth by the Examiner.

Therefore, Applicant respectfully submits that independent claims 1, 8, 15, and 22 are clearly not rendered obvious by the prior art of record. Applicant respectfully requests that the independent claims 1, 8, 15, and 22, and the claims that depend therefrom be allowed and passed to issuance.

Conclusion

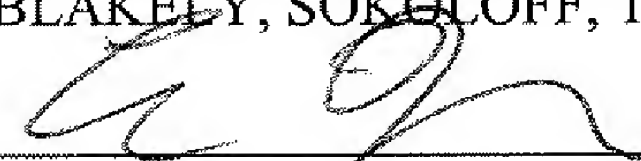
In view of the remarks made above, it is respectfully submitted that pending claims 1-28 are allowable over the prior art of record. Thus, Applicant respectfully submits that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

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By



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Attachments

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